

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 1:23-22688-CIV-ALTONAGA/Louis**

FLORIDA RIGHTS RESTORATION  
COALITION, et al.,

Plaintiffs,

v.

RONALD DESANTIS, in his official  
capacity as Governor of Florida, et al.,

Defendants.

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**SUPERVISOR OF ELECTIONS AND CLERKS DEFENDANTS’  
MOTION FOR CLARIFICATION OF ORDER (ECF 329)**

Defendants, Florida’s Supervisors of Elections (the “Supervisors”) and the Clerks of Court (the “Clerks”), move for clarification of the Court’s Paperless Order (“Order Granting Stay”) (ECF 329) that granted the State Agency Defendants’ Motion to Stay Discovery (ECF 325). To avoid inadvertently violating their discovery obligations, the Supervisors and the Clerks respectfully request confirmation that the Order Granting Stay stayed *all* discovery, including for the Supervisors and the Clerks. Alternatively, the Supervisors and the Clerks join the Motion to Stay.

1. On October 30, 2023, all 142 public official defendants filed a collective Motion to Dismiss (as subsequently corrected on November 3, 2023). (ECF 342, 330.) All defendants asserted various dispositive arguments including that Plaintiffs lack Article III standing (ECF 330 at 6-9), Plaintiffs' claims are barred by sovereign immunity (ECF 330 at 9-13), Plaintiffs' Amended Complaint is not short and concise (ECF 330 at 17-19), and Plaintiffs fail to state a claim (ECF 330 at 19-23).

2. That same day, Defendants Ron DeSantis; Florida Secretary of State Cord Byrd; Secretary of the Florida Department of Corrections Ricky D. Dixon; Commissioner of the Florida Department of Law Enforcement Mark Glass; and Commissioners of the Florida Commission on Offender Review Melinda N. Coonrod, Richard D. Davison, and David A. Wyant (collectively, the "State Agency Defendants") "move[d] to stay *all* discovery obligations until after this Court's resolution of the motion to dismiss." (ECF 325 at 2, 4, 7) (emphasis added). The State Agency Defendants argued that "[e]xpensive and time-consuming discovery obligations on parties, in a case that has not been pled appropriately, does nothing but waste resources." (ECF 325 at 2).

3. The Court granted the Motion, stating "the State Agency Defendants have met their burden in showing *a stay of discovery* is appropriate and necessary." (ECF 329) (emphasis added).

4. Based on the express relief sought by the State Agency Defendants, the Supervisors and Clerks understand the Order Granting Stay as staying *all* discovery in this case. The State Agency Defendants sought a stay to “all” discovery obligations (ECF 325 at 2, 4, 7), and the Court granted that Motion. Plaintiffs have served broad discovery requests—requests for production and interrogatories—on the Supervisors and Clerks as well.

5. Plaintiffs, however, have informed the Supervisors that they disagree with this interpretation and that this Court’s Order Granting Stay applied only to the moving parties. In an abundance of caution and to avoid unnecessary discovery disputes, the Supervisors and Clerks therefore ask this Court to confirm that its Order stayed all discovery.

6. The same rationale that supports a stay of the State Agency Defendants’ discovery obligations supports a stay as to the Supervisors and Clerks. Plaintiffs have served broad discovery requests on the Supervisors and Clerks. The Supervisors and Clerks have raised multiple dispositive issues in their Motion to Dismiss, including challenges to Plaintiffs’ standing under Article III, an assertion of sovereign immunity, and contentions that Plaintiffs failed to state a claim and misjoined sixty-seven Supervisors and Clerks in a single action. The Court’s ruling on this potentially case-dispositive motion might either end the litigation for the Supervisors and Clerks or substantially narrow the broad and unwieldy case pleaded

in Plaintiffs' operative complaint. Meanwhile, the Supervisors are county-level officials with limited resources and are engaged in preparations for the presidential preference primary election scheduled for March 19, 2024; the Clerks also have limited resources and must continue to meet the daily demands of their offices. To require 134 county-level election officials to engage in discovery and incur public expense that might prove unnecessary would be incompatible with the orderly and efficient administration of elections and this litigation.

7. Alternatively, the Supervisors and Clerks join the State Agency Defendants' Motion to Stay. In their Motion to Stay, the State Agency Defendants argued that the combined Motion to Dismiss raised numerous meritorious arguments concerning jurisdictional defects, sovereign immunity, violation of the pleading standards, and Plaintiffs' failure to state a claim. (ECF 325 at 2-4.) The Supervisors and Clerks jointly raised these same arguments. *See supra* at ¶ 1. Consequently, the Supervisors' and Clerks' discovery obligations should be stayed for the same reasons as the State Agency Defendants' discovery obligations.

**WHEREFORE**, the Supervisors and Clerks respectfully request this Court to clarify that its Order Staying Discovery applies all parties. Alternatively, the Supervisors and Clerks join the State Agency Defendants' Motion and request the Court stay discovery for them as well.

**CERTIFICATE OF GOOD-FAITH CONFERENCE**

Pursuant to Local Rule 7.1(a)(3)(A), counsel for the Supervisors and the Clerks conferred with counsel for Plaintiffs in a good-faith effort to resolve the issues raised in this motion. Plaintiffs agreed to stay discovery temporarily while the Supervisors and Clerks ask this Court to clarify whether the discovery stay applies to all parties. Plaintiffs take the following additional positions: (1) “Because the SOE Defendants are interpreting the order to mean a stay as to all discovery, Plaintiffs agree on seeking clarification from the Court on its intent in the order”; and (2) “If the Court intended to stay discovery generally pending resolution of the motion to dismiss, that stay should equally apply to Plaintiffs.” The Supervisors and Clerks agree that the stay should apply to all parties, including Plaintiffs.

Dated November 16, 2023.

Respectfully submitted,

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